

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIPE POLANCO DIAZ,
Plaintiff,
v.
MARIA TORCEDO,
Defendant.

No. 21-cv-0916 DC CSK P

ORDER

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis. On October 23, 2024, and November 4, 2024, plaintiff filed motions for reconsideration. (ECF Nos. 66, 68.) On November 15, 2024, defendant filed an opposition to both motions. (ECF No. 69.) Plaintiff did not file a timely reply to defendant's opposition. Local Rule 230(l). On December 19, 2024, the Court issued an order and findings and recommendations addressing the motions for reconsideration. (ECF No. 70.)

On December 19, 2024, plaintiff's document styled, "Counter Motion Supporting A.D.A. 42 U.S.C. §§ 12101 - 12213 Seeking Reconsideration. . . .," was entered on the Court docket as filed on December 18, 2024. (ECF No. 71.) Because plaintiff's filing addresses arguments made in defendant's opposition to the motions for reconsideration, the Court construes plaintiff's filing as his reply to defendant's opposition.

Plaintiff's reply is untimely. Under Local Rule 230(l), any reply to an opposition shall be

1 filed no more than fourteen days after the opposition is filed in CM/ECF. Local Rule 230(l).
2 Here, the opposition was filed and docketed on November 15, 2024; therefore, plaintiff's reply
3 was due on or before November 29, 2024. However, plaintiff's reply was presented to prison
4 officials for mailing on December 15, 2024 (ECF No. 71 at 4), over two weeks after the deadline
5 to file a reply expired. Because plaintiff's reply is untimely, the Court will not consider the reply,
6 which is stricken as untimely. (ECF No. 71.)

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's December 18, 2024 filing (ECF No. 71) is construed as plaintiff's reply
9 to defendant's opposition (ECF No. 69).

10 2. The Clerk of the Court is directed to strike plaintiff's reply (ECF No. 71) as
11 untimely filed.

12 Dated: December 26, 2024

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14 CHI SOO KIM
15 UNITED STATES MAGISTRATE JUDGE

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